

HOUSE BILL 514

M2, D4
HB 1479/12 – ENV

3lr1799

By: **Delegate O'Donnell**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications –**
3 **Disclosure of Information**

4 FOR the purpose of establishing that the Department of Natural Resources may
5 require an applicant to provide only certain information on an application for a
6 hunting, fishing, or boat manufacturer's or dealer's license; exempting hunting,
7 fishing, or boat manufacturer's or dealer's license applications from the
8 requirements that a licensing authority require a license applicant to disclose
9 the full Social Security number of the applicant and record the Social Security
10 number on the application; altering the information that a request for
11 information from a hunting, fishing, or boat manufacturer's or dealer's license
12 application made by the Child Support Enforcement Administration of the
13 Department of Human Resources to the Department of Natural Resources is
14 required to contain; altering the information from a hunting, fishing, or boat
15 manufacturer's or dealer's license application that the Department of Natural
16 Resources is required to submit to the Child Support Enforcement
17 Administration after receiving a request for information; making certain
18 stylistic changes; and generally relating to information required to be disclosed
19 to or by the Department of Natural Resources on or from a hunting, fishing, or
20 boat manufacturer's or dealer's license application.

21 BY repealing and reenacting, with amendments,
22 Article – Family Law
23 Section 10–119.3
24 Annotated Code of Maryland
25 (2012 Replacement Volume)

26 BY repealing and reenacting, without amendments,
27 Article – Natural Resources
28 Section 4–202, 8–702, and 8–710(a)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Natural Resources
4 Section 4–205(l), 4–604(d) and (e), 4–704(a), 8–710(c), and 10–301(d) and (e)
5 Annotated Code of Maryland
6 (2012 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Family Law**

10 10–119.3.

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) “License” means any license, certificate, registration, permit, or
13 other authorization that:

14 (i) is issued by a licensing authority;

15 (ii) is subject to suspension, revocation, forfeiture, or
16 termination by a licensing authority; and

17 (iii) is necessary for an individual to practice or engage in a
18 particular business, occupation, or profession.

19 (3) (i) “Licensing authority” means a department, unit of a
20 department, commission, board, office, or court of the State.

21 (ii) “Licensing authority” includes:

22 1. the Department of Labor, Licensing, and Regulation;

23 2. the Department of Health and Mental Hygiene;

24 3. the Department of Human Resources;

25 4. the Department of Transportation;

26 5. the Department of the Environment;

27 6. the Comptroller of the Treasury;

28 7. the Department of Agriculture;

- 1 8. the Maryland Insurance Administration;
- 2 9. the Public Service Commission;
- 3 10. the Secretary of State;
- 4 11. the State Department of Education;
- 5 12. the Department of Natural Resources;
- 6 13. the Office of the Attorney General;
- 7 14. the clerks of the court that are authorized to issue a
8 license or certificate for professional services or recreational uses; and
- 9 15. the Court of Appeals.

10 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
11 SUBSECTION, A licensing authority shall:

12 [(1)] (I) require each applicant for a license to disclose the Social
13 Security number of the applicant; and

14 [(2)] (II) record the applicant's Social Security number on the
15 application.

16 (2) THE DEPARTMENT OF NATURAL RESOURCES SHALL:

17 (I) REQUIRE AN APPLICANT FOR A HUNTING, FISHING, OR
18 BOAT MANUFACTURER'S OR DEALER'S LICENSE TO DISCLOSE ONLY THE LAST
19 FOUR DIGITS OF THE SOCIAL SECURITY NUMBER OF THE APPLICANT; AND

20 (II) RECORD THE APPLICANT'S PARTIAL SOCIAL SECURITY
21 NUMBER ON THE APPLICATION.

22 (c) (1) To carry out its responsibility under State and federal law, the
23 Administration may request from a licensing authority information concerning any
24 obligor in arrears in paying child support through a support enforcement agency.

25 (2) A request for information by the Administration under paragraph
26 (1) of this subsection:

27 (i) shall contain:

28 1. the full name of the obligor; and

1 2. the Social Security number **OR, AS APPROPRIATE,**
2 **THE PARTIAL SOCIAL SECURITY NUMBER** of the obligor; and

3 (ii) may be transmitted to a licensing authority using an
4 electronic format.

5 (3) A request for information may not be made by the Administration
6 to a licensing authority more frequently than four times in each calendar year except
7 with respect to an obligor whom the Administration has reason to believe is licensed
8 by, or has applied for a license from, the licensing authority.

9 (4) In addition to requests for information under this subsection, the
10 Administration may request a licensing authority to periodically share its licensing
11 database with the Administration.

12 (d) (1) Upon receipt of a request for information under subsection (c) of
13 this section, a licensing authority shall submit the following information to the
14 Administration with respect to each obligor who is licensed by, or has applied for a
15 license from, the licensing authority:

16 (i) the full name of the obligor;

17 (ii) the address of the obligor, if known;

18 (iii) the Social Security number **OR, AS APPROPRIATE, THE**
19 **PARTIAL SOCIAL SECURITY NUMBER** of the obligor, if known; and

20 (iv) a description of the license held by the obligor.

21 (2) The information may be transmitted to the Administration in an
22 electronic format.

23 (3) Except as otherwise provided by law, any record compiled under
24 this subsection shall be made available only to a person who has a right to the record
25 in an official capacity.

26 (e) (1) Except as provided in paragraph (3) of this subsection and subject
27 to the provisions of subsection (f) of this section, the Administration may request a
28 licensing authority to suspend or deny an individual's license if:

29 (i) 1. the individual is in arrears amounting to more than
30 120 days under the most recent order; and

31 2. A. the Administration has accepted an assignment
32 of support under § 5-312(b)(2) of the Human Services Article; or

1 B. the recipient of support payments has filed an
2 application for support enforcement services with the Administration; or

3 (ii) the individual has failed to comply with a subpoena issued
4 by the Administration under § 10-108.6 of this subtitle.

5 (2) Except as provided in paragraph (3) of this subsection, upon
6 notification by the Administration under this section, a licensing authority shall:

7 (i) suspend an individual's license; or

8 (ii) deny the license of an individual who is an applicant for a
9 license from the licensing authority.

10 (3) (i) This paragraph applies if the licensing authority is the
11 Court of Appeals.

12 (ii) If an individual meets the criteria specified in paragraph (1)
13 of this subsection, the Administration may make a referral to the Attorney Grievance
14 Commission for proceedings in accordance with the Maryland Rules governing
15 attorney discipline.

16 (iii) On recommendation of the Attorney Grievance Commission,
17 the Court of Appeals may suspend an individual's license or take other action against
18 the individual as authorized by the Maryland Rules governing attorney discipline.

19 (iv) The Court of Appeals may adopt rules to implement the
20 provisions of this paragraph.

21 (f) (1) At least 30 days before requesting a licensing authority to suspend
22 or deny a license or at least 30 days before making a referral under subsection (e)(3) of
23 this section, the Administration shall:

24 (i) send written notice of the proposed action to the individual
25 whose license is subject to suspension under this section, including notice of the
26 individual's right to request an investigation; and

27 (ii) give the individual a reasonable opportunity to contest the
28 accuracy of the information.

29 (2) (i) Upon receipt of a request for investigation from an
30 individual whose license is subject to suspension, the Administration shall conduct an
31 investigation.

32 (ii) Upon completion of the investigation, the Administration
33 shall notify the individual of the result of the investigation and the individual's right
34 to appeal to the Office of Administrative Hearings.

1 (3) (i) An appeal under this section shall be conducted in
2 accordance with Title 10, Subtitle 2 of the State Government Article.

3 (ii) An appeal shall be made in writing and shall be received by
4 the Office of Administrative Hearings within 30 days after the notice to the individual
5 whose license is subject to suspension of the results of the investigation.

6 (4) If, after the investigation or appeal to the Office of Administrative
7 Hearings, the Administration finds that it erred in making a decision, the
8 Administration may not send a notification about an individual to a licensing
9 authority or make a referral under subsection (e)(3) of this section.

10 (g) The Administration may not send a notification about an individual to a
11 licensing authority or make a referral under subsection (e)(3) of this section if:

12 (1) with respect to an individual with a child support arrearage:

13 (i) the Administration reaches an agreement with the
14 individual regarding a scheduled payment of the child support arrearage or a court
15 issues an order for a scheduled payment of the child support arrearage; and

16 (ii) the individual is complying with the agreement or court
17 order; or

18 (2) with respect to an individual who failed to comply with a subpoena
19 issued under § 10–108.5 of this subtitle, the individual has complied with the
20 subpoena.

21 (h) (1) Except as provided in paragraph (2) of this subsection, prior to the
22 suspension or denial of a license under subsection (e) of this section, a licensing
23 authority shall send written notice of the proposed action to the individual whose
24 license is subject to suspension or denial, including notice of the individual's right to
25 contest the identity of the individual whose license or application is to be suspended or
26 denied.

27 (2) If the licensing authority is the Court of Appeals, notice shall be as
28 provided in the Maryland Rules governing attorney discipline.

29 (i) (1) (i) Except as provided in paragraph (2) of this subsection, an
30 individual may appeal a decision of a licensing authority to suspend or deny the
31 individual's license in accordance with Title 10, Subtitle 2 of the State Government
32 Article.

33 (ii) At a hearing under this paragraph, the issue shall be limited
34 to whether the Administration has mistaken the identity of the individual whose
35 license has been suspended or denied.

1 (2) If the licensing authority is the Court of Appeals, an individual
2 may appeal a decision in accordance with the Maryland Rules governing attorney
3 discipline.

4 (j) The Administration shall notify the licensing authority to reinstate any
5 license suspended or denied under this section within 10 days after the occurrence of
6 any of the following events:

7 (1) the Administration receives a court order to reinstate the
8 suspended license; or

9 (2) with respect to an individual with a child support arrearage, the
10 individual has:

11 (i) paid the support arrearage in full; or

12 (ii) demonstrated good faith by paying the ordered amount of
13 support for 4 consecutive months; or

14 (3) with respect to an individual whose license was suspended or
15 denied because of a failure to comply with a subpoena issued under § 10–108.5 of this
16 subtitle, the individual has complied with the subpoena.

17 (k) A licensing authority shall immediately reinstate any license suspended,
18 or process an application for any license denied, under this section if:

19 (1) notified by the Administration that the license should be
20 reinstated; and

21 (2) the individual otherwise qualifies for the license.

22 Article – Natural Resources

23 4–202.

24 The Secretary is responsible for conservation management of the fish, fisheries,
25 fish resources and aquatic life within the State.

26 4–205.

27 (l) (1) The Department [shall] MAY require an applicant for any
28 recreational license under this title to provide [the applicant's] ONLY:

29 (i) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE
30 APPLICANT;

1 **(II) THE DATE OF BIRTH OF THE APPLICANT; AND**

2 **(III) THE LAST FOUR DIGITS OF THE** Social Security number
3 **OF THE APPLICANT**, if the applicant has a Social Security number.

4 (2) Except as provided in § 10–617 of the State Government Article,
5 the **PARTIAL** Social Security number of an applicant may not be disclosed as part of
6 the public record of the application.

7 4–604.

8 (d) **(1)** A person may apply for an angler’s license to any person
9 designated by the Department.

10 **(2)** The application shall be on a form the Department prepares and
11 supplies.

12 **(3)** The applicant shall fill out, sign and submit the application to the
13 person designated to issue an angler’s license.

14 **(4)** A person may apply by mail.

15 (e) An applicant for a license issued under this section [shall] **MAY BE**
16 **REQUIRED TO** provide [all the information requested by the Department] on forms
17 issued by the Department **ONLY:**

18 **(1) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
19 **APPLICANT;**

20 **(2) THE DATE OF BIRTH OF THE APPLICANT; AND**

21 **(3) THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER**
22 **OF THE APPLICANT.**

23 4–704.

24 (a) An applicant for a license to catch finfish [shall] **MAY BE REQUIRED TO**
25 furnish [information the Department requires] **TO THE DEPARTMENT ONLY:**

26 **(1) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
27 **APPLICANT;**

28 **(2) THE DATE OF BIRTH OF THE APPLICANT; AND**

1 **(3) THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER**
2 **OF THE APPLICANT.**

3 8-702.

4 It is the intent of this subtitle to foster the development, use, and enjoyment of
5 all the waters of Maryland. The State shall cooperate to the fullest possible extent
6 with neighboring states and the federal government in connection with assistance and
7 rescue operations and in enforcement of laws and regulations relating to recreational
8 boating safety.

9 8-710.

10 (a) A manufacturer or dealer may not conduct his business in the State
11 unless licensed as a manufacturer or dealer pursuant to regulations the Department
12 adopts.

13 (c) **(1)** Application for a manufacturer's or dealer's license is made on the
14 form the Department prescribes and contains the name and address of the applicant.

15 **(2)** If the applicant is a partnership, the application shall include the
16 name and address of each partner.

17 **(3)** If the applicant is a corporation, the application shall contain the
18 names of the principal officers of the corporation, the state of incorporation, the
19 addresses of every place where the business is conducted, the nature of the business,
20 and any other information the Department requires.

21 **(4)** Every application shall be verified by oath or affirmation of the
22 applicant if an individual, or by the partner or officer if the applicant is a partnership
23 or corporation.

24 **(5) THE DEPARTMENT MAY REQUIRE ONLY THE LAST FOUR**
25 **DIGITS OF A SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER ON AN**
26 **APPLICATION.**

27 **(6)** A license fee fixed by the Department not to exceed \$25 shall
28 accompany every application.

29 10-301.

30 (d) **(1)** A person may apply for a hunter's license to any person designated
31 by the Department.

1 (2) The application shall be on a form the Department prepares and
2 supplies.

3 (3) The applicant shall fill out, sign, and submit the application to the
4 person designated to issue the hunter's license.

5 (4) A person may apply by mail.

6 (e) (1) The application [shall] **MAY BE REQUIRED TO** contain [the
7 applicant's name, height, color of eyes and hair, occupation, place of residence, and
8 Social Security number] **ONLY:**

9 (1) **THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
10 **APPLICANT;**

11 (2) **THE DATE OF BIRTH OF THE APPLICANT; AND**

12 (3) **THE LAST FOUR DIGITS OF THE SOCIAL SECURITY**
13 **NUMBER OF THE APPLICANT.**

14 (2) If the applicant is a nonresident, the applicant also shall present
15 the applicant's driver's license, voter's card, or resident hunter's license.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.